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Dated: January 21, 2009

Signature: Diane P. Tso

(Diane P. Tso)

Docket No.: RASMUS 3.3-001 CONT
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ole-Bendt Rasmussen

Application No.: 10/787,214

Group Art Unit: 1794

Filed: September 28, 2004

Examiner: A. L. Corbin

For: FOOD PRODUCT WHICH HAS
ARTIFICIALLY BEEN GIVEN A
CELL-LIKE STRUCTURE BY
COEXTRUSION OF SEVERAL
COMPONENTS, AND METHOD AND
APPARATUS FOR MANUFACTURING SUCH
FOOD PRODUCT

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

This communication is in response to the Office Action mailed November 21, 2008, setting forth a Restriction Requirement in the above-identified application. In the Office Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. §121:

I. Claims 1-101, drawn to a co-extruded food product and its method of preparation, classified in class 426, subclass 660.

II. Claims 102-105, drawn to an apparatus for producing an extruded food product, classified in class 425, subclass 131.1.

In response, Applicant hereby elects the invention of Group I, corresponding to claims 1-101. Applicant reserves the

right to file a divisional application corresponding to the non-elected claims.

The election of Group I is made with traverse. The Office Communication is devoid of any explanation in support of the allegation that examination of the claimed invention without restriction would impose a serious search and examination burden upon the Office. For example, although it has been alleged that the claimed apparatus can be used to practice another and materially different process, e.g., the process of making an extruded thermoplastic material, the Examiner has not described how the process by which such product might be made is materially different than the process by which the same apparatus may be used to produce a co-extruded food product.

It is Applicant's understanding that the fee for a one-month extension of time is due in connection with the present response, and the Examiner is authorized to charge Deposit Account No. 12-1095 accordingly. In the event any other fee is due in connection with the present response, the Examiner is similarly authorized to charge the same deposit account therefor.

Dated: January 21, 2009

Respectfully submitted,

By 
Diane P. Tso

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